

# HOUSE BILL No. 1379

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-12; IC 22-13; IC 22-15-3-1; IC 22-15-3.2.

**Synopsis:** Reduction of government plan review. Eliminates duplicative fee based plan reviews for construction of Class 1 structures. Creates a streamlined plan review process that allows either of the following, but not both, to perform a fee based plan review: (1) The division of fire and building safety (division). (2) A political subdivision certified in accordance with objective criteria adopted by the fire protection and building safety commission (commission). Eliminates duplicative fee based plan review performed by the state department of health for construction of hospitals and health facilities. Provides that the state building commissioner issues design releases for hospitals and health facilities in accordance with the commission's rules and national guidelines. After June 30, 2016: (1) requires the commission's rules to promote preservation and use of downtown commercial buildings located within designated historic districts; and (2) allows the commission to adopt emergency rules for the purposes in (1). Before July 1, 2016, requires the commission to adopt objective criteria to be used by the division to select a design release application for a plan review. (Current law provides that the division has discretion as to the criteria). Reduces the time required for processing design release applications by setting the deadlines of the division in calendar days instead of business days. Creates the non-reverting division of fire and building services fund for deposit of all fees collected by the division for design releases to be used to defray the personal services, other operating expense, and capital outlay of the division. (Current law provides that fees collected by the division are deposited in the fire and building services fund.)

**Effective:** Upon passage; July 1, 2016.

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**Stemler, Clere**

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January 13, 2016, read first time and referred to Select Committee on Government Reduction.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1379

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 22-12-1-13.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2016]: **Sec. 13.5. "Health care facility"**  
4 **means the following:**

5 (1) **A hospital licensed under IC 16-21-2.**

6 (2) **A health facility licensed under IC 16-28.**

7 SECTION 2. IC 22-12-6-1, AS AMENDED BY P.L.101-2006,  
8 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2016]: Sec. 1. (a) The fire and building services fund is  
10 established for the purpose of defraying the personal services, other  
11 operating expense, and capital outlay of the following:

12 (1) The department.

13 (2) The education board and the rules board.

14 (3) The commission.

15 (b) The fund shall be administered by the department. Money  
16 collected for deposit in the fund shall be deposited at least monthly  
17 with the treasurer of state.



(c) The treasurer of state shall deposit the following collected amounts in the fund:

(1) Fire insurance policy premium taxes assessed under section 5 of this chapter.

(2) Except as provided in ~~section~~ **sections 1.1 and 6(d)** of this chapter, all fees collected under this chapter.

(3) Any money not otherwise described in this subsection but collected by the division of fire and building safety.

(4) Any money not otherwise described in this subsection but collected by the department, commission, education board, or rules board and designated for distribution to the fund by statute or the executive director of the department.

(5) A fee collected by the education board for the issuance of a certification under IC 22-14-2-7.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a fiscal year does not revert to the state general fund.

SECTION 3. IC 22-12-6-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.1. (a) The division of fire and building services fund is established for the purpose of defraying the personal services expense, other operating expense, and capital outlay of the division.**

**(b) The fund shall be administered by the department. Money collected for deposit in the fund shall be deposited at least monthly with the treasurer of state.**

**(c) Except as provided in section 6(d) of this chapter, the treasurer of state shall deposit all fees collected by the division for design releases issued under IC 22-15-3 and IC 22-15-3.2.**

**(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.**

**(e) Money in the fund at the end of a fiscal year does not revert to the state general fund.**

SECTION 4. IC 22-13-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4. (a) If the commission finds duplication, conflict, or overlapping of responsibility between:**

(1) this article, IC 22-12, IC 22-14, IC 22-15, a fire safety rule, or a building rule; and

(2) the rules adopted by another state agency;



the commission shall notify the state agency, and the state agency shall revise its rules to eliminate the duplication, conflict, or overlap.

**(b) A state agency (other than the division) may not perform a fee based plan review as set forth in section 4.1 of this chapter.**

SECTION 5. IC 22-13-2-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.1. (a) This section applies only to a fee based plan review performed:**

**(1) before construction of a Class 1 structure; and**

**(2) to determine compliance with the rules of the commission.**

**(b) A fee based plan review may only be a prerequisite for the issuance of a design release. A fee based plan review may not be a prerequisite or condition for the issuance of a building permit, improvement permit, or any other permit issued by a state agency or a political subdivision.**

**(c) A fee based plan review must be:**

**(1) authorized under IC 22-15-3; and**

**(2) performed in compliance with the rules and objective criteria adopted by the commission under IC 22-15-3-1.**

**(d) With regard to any application for a design release, a fee based plan review may be performed only by either of the following, but not both:**

**(1) The division.**

**(2) A political subdivision that has the authority under IC 22-15-3 to perform a fee based plan review.**

SECTION 6. IC 22-13-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) The commission shall adopt building rules that allow a person to convert a building or other structure, in whole or in part, from one (1) class of occupancy and use established under the commission's rules to another without complying with all of the commission's rules governing new construction.**

**(b) The rules adopted under this section must protect the public from significant health hazards and safety hazards.**

**(c) Subject to subsection (b), the rules must promote the following:**

**(1) The preservation of architecturally significant and historically significant parts of buildings and other structures.**

**(2) The economically efficient reuse of buildings and other structures.**

**(3) After June 30, 2016, the preservation and use of commercial buildings located within:**

**(A) the downtown of a local unit; and**



1 (B) a designated historic district.

2 Before the effective date of the commission's emergency rules  
3 authorized under subsection (e), the commission's policies shall  
4 promote the preservation and use of commercial buildings as set  
5 forth in subdivision (3).

6 (d) The rules adopted under this section may condition an  
7 exemption upon:

8 (1) passing an inspection conducted by the department; and

9 (2) paying the fee set under IC 22-12-6-6.

10 (e) The commission shall adopt emergency rules under  
11 IC 4-22-2-37.1 to implement this section. An emergency rule  
12 adopted under this subsection expires on the earliest of the  
13 following dates:

14 (1) The date specified in the emergency rule.

15 (2) The date the emergency rule is amended or repealed by a  
16 later rule adopted under IC 4-22-2.

17 SECTION 7. IC 22-15-3-1, AS AMENDED BY P.L.218-2014,  
18 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2016]: Sec. 1. (a) The state building commissioner shall issue  
20 a design release for the following:

21 (1) The construction of a Class 1 structure to an applicant who  
22 qualifies under section 2 or 3 of this chapter. ~~and~~

23 (2) The fabrication of an industrial building system or mobile  
24 structure under section 4 of this chapter.

25 (3) The construction of a health care facility, in accordance  
26 with:

27 (A) the rules of the commission; and

28 (B) if applicable, the most recent edition, including  
29 addenda, of the Guidelines for the Design and  
30 Construction of Hospitals and Outpatient Facilities,  
31 published by the Facilities Guidelines Institute.

32 (b) The state building commissioner may issue a design release  
33 based on a plan review performed by a city, town, or county if:

34 (1) the state building commissioner has certified that the city,  
35 town, or county is competent; and

36 (2) the city, town, or county has adopted the rules of the  
37 commission under IC 22-13-2-3.

38 (c) A design release issued under this chapter expires on the date  
39 specified in the rules adopted by the commission.

40 (d) Not later than July 1, 2015, the commission shall establish  
41 objective criteria for certifying the competency of a city, town, or  
42 county to perform plan reviews under subsection (b).



(e) The commission shall certify a city, town, or county as qualified to issue design releases under the commission's objective criteria. A certified city, town, or county may issue design releases in accordance with the commission's objective criteria.

SECTION 8. IC 22-15-3.2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.5. The division is considered to have received an application under section 8 of this chapter, or the applicant's corrections under sections 9 and 10 of this chapter, on the next business day after the date:

(1) the applicant submits the application or corrections using the online system; or

(2) the division receives the application or corrections, if the applicant uses the United States Postal Service or hand delivery.

SECTION 9. IC 22-15-3.2-7, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A design release shall be issued to an applicant without a plan review if:

(1) the applicant submits a complete application; and

(2) the division does not select the application for a plan review under this section.

(b) The division may select any application for design release to be subject to a plan review. ~~The division has complete discretion in the criteria used by~~ **Not later than July 1, 2016, the commission shall adopt objective criteria to be used by** the division to select a design release application for a plan review. A criterion used by the **commission and the** division may be whether the design professional has received disciplinary sanctions under IC 25-1-11-12 within the preceding five (5) years.

SECTION 10. IC 22-15-3.2-8, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. Upon receiving a complete application for a design release, the division shall do one (1) of the following:

(1) Not later than ten (10) ~~business calendar~~ days after the application is received, send written notice to the applicant that a design release will be issued. Not later than the next ~~business calendar~~ day after the date the notice is sent, the division shall provide the applicant with:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design



release.

(2) Not later than ten (10) ~~business~~ **calendar** days after the application is received, send written notice that a plan review will be conducted. However, if the applicant does not receive the notice within the period specified in this subdivision, the division shall, not later than the eleventh **calendar** day after the date a complete application is received, provide the applicant with:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

SECTION 11. IC 22-15-3.2-9, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. If the division sends an applicant notice of a plan review under section 8(2) of this chapter within the period required, the division shall do one (1) of the following:

(1) Not later than twenty (20) ~~business~~ **calendar** days after the date that notice of the plan review is sent, send notice to the applicant that the plans and specifications have been approved for a design release as submitted. The division shall, not later than the next ~~business~~ **calendar** day after the date that notice is sent to the applicant, provide to the applicant:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

(2) Not later than twenty (20) ~~business~~ **calendar** days after the date that notice of the plan review is sent, send notice to the applicant that a design release will not be issued until the applicant submits corrections to the plans. However, if the applicant does not receive notice within the period specified in this subdivision, the division shall, not later than the twenty-first ~~business~~ **calendar** day after the date that notice of a plan review is sent under section 10 of this chapter, provide the applicant with:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

SECTION 12. IC 22-15-3.2-10, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) If the division receives corrections to a



plan in response to a notice sent under section 9(2) of this chapter, and any time the division receives corrections to a notice under subdivision (2) thereafter, the division shall do one (1) of the following:

(1) Not later than ten (10) **business calendar** days after receiving the corrections, send notice to the applicant that the corrected plans have been approved for a design release as submitted. The division shall, not later than the next **business calendar** day after the date that notice is sent to the applicant, provide to the applicant:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

(2) Not later than ten (10) **business calendar** days after receiving the corrections, send notice to the applicant that a design release will not be issued until the applicant submits additional corrections. However, if the applicant does not receive the notice within the period specified in this subdivision, the division shall, not later than the eleventh **business calendar** day after the date that the corrections are received by the division, provide the applicant with:

(A) a copy of the design release; or

(B) a confirmation number that serves as a temporary design release until the applicant receives a copy of the design release.

(b) A review under this section is limited to the corrections required by the division pursuant to notice sent under section 9(2) of this chapter or subsection (a)(2). All other parts of a project not directly related to corrections required by the division, including previously completed corrections that the division has already accepted, are deemed approved for a design release and may not be included in subsequent notice requests sent under this section. Except for a project reviewed under IC 22-15-3-6 and subject to the deadlines set forth in this chapter, the division may delay issuing a design release until all corrections to a project have been accepted by the division.

**SECTION 13. An emergency is declared for this act.**

